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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 GREGORY LYNN NORWOOD,) Case No. 07-CV-0057-WQH (JMA)
12)
13 Plaintiff,) **ORDER REGARDING PLAINTIFF'S**
14 v.) **MOTION REQUESTING SERVICE UPON**
15) **DEFENDANT R. TORRES**
16 JEANNE WOODFORD, et al.,) **[Doc. 64]**
17)
18 Defendants.)
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18 On May 6, 2008, Plaintiff filed a motion requesting service
19 upon Defendant R. Torres [Doc. 64]. Deputy Attorney General
20 Sylvie P. Synder filed an opposition to Plaintiff's motion on May
21 8, 2008 [Doc. 65].

22 Based on the Court's review of the above pleadings, as well
23 as the document filed at Doc. 60, which consists of a "Process
24 Receipt and Return" form filed by the U.S. Marshal Service, it
25 appears that Deputy Attorney General Snyder has complied with the
26 Court's previous orders that she obtain Defendant Torres' last
27 known contact information from the California Department of
28 Corrections and Rehabilitation and provide this information to

1 the U.S. Marshal in a confidential memorandum in order to permit
2 service to be effected upon Torres. See Docs. 40, 47, 51, 60,
3 65. The U.S. Marshal attempted service upon Defendant Torres at
4 his last known address on three occasions, apparently without
5 success. See Doc. 60 (containing the following notation:
6 "4/9/2008 @ 12:45 PM, 4/10/2008 @ 9:45 AM, 4/11/2008 @ 8:18 AM
7 (all 3 endeavors)"). The U.S. Marshal has provided no further
8 information about precisely why it was unable to accomplish
9 service, or whether it is continuing to make any attempts to
10 serve Torres.


11 An incarcerated pro se litigant proceeding *in forma pauperis*
12 is entitled to rely on service of the summons and complaint by
13 the U.S. Marshal. Puett v. Blandford, 912 F.2d 270, 275 (9th
14 Cir. 1990). The Court finds that the service attempts made by
15 the U.S. Marshal to date do not satisfy the Marshal Service's
16 responsibility. The U.S. Marshal has also not satisfactorily
17 explained to the Court why it was unable to accomplish service
18 upon Torres.

19 Accordingly, **IT IS HEREBY ORDERED** that the U.S. Marshal
20 shall renew its efforts to serve a copy of the First Amended
21 Complaint and summons upon Defendant R. Torres at the address set
22 forth in the confidential memorandum previously provided by the
23 Deputy Attorney General. All costs of service shall be advanced
24 by the United States. See 28 U.S.C. § 1915(d); Fed. R. Civ. P.
25 4(c)(3). If, after renewing its efforts to effect service upon
26 Defendant Torres, the Marshal Service is still unsuccessful in
27 serving him, it shall provide the Court with a written
28 explanation of the efforts it undertook to accomplish service and

1 why it was unable to do so.

2 **IT IS SO ORDERED.**

3 DATED: May 12, 2008

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5 Jan M. Adler
6 U.S. Magistrate Judge
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